

December 5, 2016

Tom Barnett
Principal Economic Development Officer
Snohomish County PDS
3000 Rockefeller Avenue, M/S 604
Everett, WA 98201

Re: File No. 16-109244 LDA: Proposal to Construct Passenger Facilities at Snohomish County Airport – Paine Field (SCA-PA)

Dear Mr. Barnett:

I am the Chief Operating Officer for Propeller Airports, LLC. In that capacity, I am authorized to speak on its behalf on its Paine Field application.

This letter responds to July 18, 2016 comments provided by the City of Mukilteo. Propeller Airports' technical team will separately respond to Snohomish County's review completion letter dated August 4, 2016.

Propeller Airports respects the right of concerned citizens and the City to comment. It takes seriously its responsibility to respond to comments and questions on the Paine Field Proposal. The State Environmental Policy Act Handbook, page 69, ("the SEPA Handbook") correctly notes the SEPA comment process is an excellent vehicle to provide information on a project and input on possible mitigation.

The Proposal.

Snohomish County is to evaluate reasonably probable significant adverse environmental impacts relating to Propeller Airports LLC executing a lease with the County. The lease is intended to allow resumption of air passenger service at Paine Field, a permitted use under the Snohomish County Zoning Code. A vehicle to trigger local environmental review is the need to secure a Site Development Permit. The proposal would – for the most part – use existing infrastructure. It must meet numerous applicable laws, e.g., storm water control regulations, intended to avoid or mitigate environmental impacts.

The Option to Lease expressly requires completion of SEPA review prior to execution of any lease, and reserves to the County full SEPA authority. As set out below, SEPA review does not automatically require the preparation of an Environmental Impact Statement. Identification, evaluation (and mitigation) of truly significant, reasonably foreseeable impacts can occur without

preparation of a EIS. Propeller Airports must meet all applicable adopted County laws relating to land development and use.

Perspective.

The City alludes to the “expansion or intensification” of use. (Comment Letter, p.2). With due respect, the Ninth Circuit ruled that “...adding by 2018 approximately 8,340 operations per year from commercial passenger operations will leave the overall airport operations within the level of historic variation” (Opinion, Note 2).

The Ninth Circuit also noted that Propeller Airports involvement with the project changed nothing: “Petitioners do not contest the FAA’s claim that the projections regarding the number of air carrier operations in the FONSI are still consistent with the current terminal construction efforts, despite being given the opportunity to do so.”

In response the City of Mukilteo question on page 2 regarding FAA Advisory Circular 150/5360-13. The FAA Advisory Circular 150/5360-13 states in Chapter 1 (Introduction) that AC 150/5360-13 is an advisory circular (AC) that presents FAA guidance material for the planning and design of airport terminal buildings and related access facilities. The material and nomographs included in the circular provide general guidelines and approximations for determining space and terminal facility requirements for planning purposes. It is not intended that they be used to replace the detailed engineering analyses necessary for the specific design of individual airport terminal facilities.

The footprint of the new project terminal is approximately the same as that referenced in the FONSI/ROD issued by the FAA on December 4, 2012. Note, the FONSI states that the proposed building, and its components, described in terms of square footage, are “approximate” numbers. There are minor layout differences between the original referenced modular building but none that result in any measurable environmental difference. The project consists of the incremental addition to existing uses (*i.e.*, resumption of historic use) of a new passenger terminal building to be constructed between the pre-existing terminal building and the FAA Air Traffic Control Tower. The building will comply with FAA guidelines and local health and safety codes and is a permitted use, as noted.

The proposed terminal building would total approximately 29,270 square feet of interior space. The main components of the building will include the entrance and check-in, Transportation Security Administration (TSA) security screening, passenger waiting, boarding area with two passenger loading gates, concessions, baggage handling and claims.

The “holding area” referenced in Patricia Love’s letter to Tom Barnett and the “concession area” is designed to accommodate approximately 285 persons with two passenger boarding gates, additionally the current proposal does not mention any further expansion.

For clarification purposes, the purpose of and need for the addition of a terminal building is to accommodate proposed scheduled commercial air service at the Airport and is a public facility serving the Regional Community, consisting of Snohomish County (population of nearly 800,000 residents) and

residents of adjacent areas of King, Skagit and Island counties. The FONSI/ROD does not explicitly impose a restriction or limitation of two gates or two carriers, but rather, evaluates whether the contemplated infrastructure would serve the initial proposed need evaluated by the FAA in terms of the operations per year. It references two carriers had been in contact with the FAA to begin modifications to their own operational specifications (Op Spec's) to operate at Paine Field. The length of flights or the destinations flown to has no impact on SEPA process and are conditional limit of the FONSI/ROD.

The parking areas for the new terminal consist of mostly existing impervious surface areas currently used as parking lots for autos or for long term parking of stored aircraft. Only a small area is pervious service and this is well documented and calculated in the storm water plan submitted as part of the LDA permit application. The planned parking spaces exceed the minimum parking requirements set forth by the county code and do not impact the SEPA process.

In reference to the Ninth Circuit comment that air carriers would have to request access and go through the FAA for modification to their own operational Specifications. Each FAA certified air carrier wishing to operate from Paine Field (or any other airport) must submit a modification of its own "Op Spec" (Operational Specification), specifically detailing its operational procedures for each airport where the air carrier plans to operate and provide service.

Propeller Airports is advised by its consultants that the County's storm and surface water management regulations (Snohomish County Code Title 30) and related regulations, are extremely protective of environmental functions and values. The Proposal must comply with all existing applicable County development regulations and any related requirements, as noted. The SEPA Handbooks states in this regard:

Mitigation of environmental impacts begins with the application of development and other permit regulations. Remaining impacts may be addressed by the use of SEPA substantive authority.

State Environmental Policy Act Handbook, Updated 2003, p.37 (text outlined in block).

The drainage facilities have been designed to meet current Code requirements. The project does not increase the amount of storm water generated in anyway. In fact, by meeting the new Code and installing a new underground storm water retention vault, a significant amount of water that would have flowed eventually into Japanese gulch will now be retained in the vault with outflow control, a net environmental gain for this element of the environment.

The new retention vault is being located in the present area of pervious surface and once completed will be paved and become part of the existing paved parking area. This is all clearly described in the Storm Water Plan, LDA and site plans previously submitted to the County as part of the LDA and SEPA process.

Comment: Noise.

Propeller Airports defers to the County's SEPA Responsible Official on use of the NEPA document. It does not agree that a EIS is required. Assuming Nexus, the County is empowered to use a Mitigated Determination of Non-Significance ("MDNS") to impose reasonable binding conditions under SEPA substantive authority including those set out in the FONSI.

Comment: Transportation.

Propeller Airports embraces the application of standard construction Best Management Practices as well as related traffic mitigation fees as previously offered. Note, please, that FAA's Paine Field Final Environmental Assessment (September 2012) mitigation, pp.45-46, endorses BMPs.

The FONSI/EA essentially defer mitigation evaluation (e.g., transportation) to Snohomish County. See EA, p.D.46.

The reference to Bellingham was used by the traffic consultant as a benchmark in the trip generation analysis calculation only. Parking calculations differ from airport to airport. Additionally, the calculations do take into account the number of gates as a factor, but estimated enplanements. Bellingham was not used as a reference for parking at Paine field.

The number of parking spaces meets or exceeds the county zoning requirements for parking. The FONSI/ROD does not impose limits on parking, only referencing that parking is sufficient for the size of building. It should be noted that parking does not impact the number of enplanements, therefore not effecting the SEPA analysis for this element.

Comment: EIS.

The SEPA Handbook, p.1, states: "SEPA is intended to ensure that environmental values are considered during decision-making...." The SEPA review process is designed to work with other regulations which address possible impacts, e.g., storm water regulation.

With due respect, the City seems to believe the only tool available to implement SEPA is an EIS. That is not correct. The SEPA Handbook states:

A primary goal of SEPA is to reduce or eliminate environmental impacts. If significant impacts are identified that would require the preparation of an EIS, those impacts can be reduced either by the applicant(s) making changes to the proposal or by requiring mitigation measures as a condition of approving the project.

...

The mitigating measures are typically shown on the face of the DNS, or as an attachment. A 14-day comment period, distribution, and public notice are required for the mitigated DNS.

It can also be possible to require conditions through the use of SEPA substantive authority to reduce or eliminate adverse environmental impacts that may be less than “significant.” (See section 6 on page 73 for more information on **Using SEPA in Decision Making**).

State Environmental Policy Act Handbook, Updated 2003, p.37 (footnotes omitted).

In recognition of the authority to mitigate projects (combined with the imposition of development regulations), in 1984, use of a Mitigated Determination of Nonsignificance (“MDNS”) was explicitly approved as a method for SEPA compliance.

Comment: Potential Impacts.

Propeller Airports does not mean to chide, but the City’s concerns with “potential impacts” is too speculative. A concern with what could happen “if more airlines or flights followed” was raised by the City in the NEPA process, but the Ninth Circuit ruled a “speculative number” did not justify preparation of an EIS. Propeller Airport is addressing what is reasonably expected, but not more.

On the last point, Propeller Airports understands that the standard for SEPA decision-making is a “reasonable likelihood” of a significant impact occurring:

The SEPA “threshold determination” is the formal decision as to whether the proposal is likely to cause a significant adverse environmental impact for which mitigation cannot be easily identified. The SEPA Rules state that **significant** “means a reasonable likelihood of more than a moderate adverse impact on environmental quality.” It is often non-quantifiable. It involves the physical setting, and both the magnitude and duration of the impact.

State Environmental Policy Act Handbook, Updated 2003, p.31 (footnote omitted).

Once reasonably likely impacts are identified, the focus turns to mitigation, which for the Paine Field proposal can be “easily identified” based upon the depth of information evaluation which has occurred to date. Propeller Airports remains willing to voluntarily consider suggested mitigation.

Comment: SEPA Lead Agency.

Propeller Airport defers to the County on lead agency status. It notes the SEPA Guidelines, WAC 197-11-050, and assigns such status to an agency with permitting authority, since the Local Project Review Act ties SEPA into the permitting process. See SEPA Handbook, p.24 and p.87. The City has no permitting authority over the proposal.

Thank you for your kind attention to these comments.

Very truly yours,
PROPELLER AIRPORTS, LLC

A handwritten signature in blue ink, appearing to read "Mark Reichin", with a stylized flourish at the end.

Mark Reichin
Chief Operating Officer